



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Eighteenth Meeting Day

Monday Afternoon

February 13, 2006

The Senate convened at 1:37 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson <input checked="" type="checkbox"/>
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 182: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 8

Senate Resolution 8, introduced by Senator Breaux:

A SENATE RESOLUTION memorializing Mrs. Roselyn C. Richardson.

Whereas, Mrs. Roselyn C. Richardson passed away on July 8, 2005, leaving a void that will be very difficult for her family and friends to fill;

Whereas, Mrs. Roselyn C. Richardson was born on August 23, 1913, in Roberta, Georgia, to Arthur and Everlena (Walker) Comer;

Whereas, After graduating from Fort Valley Normal and Industrial School, she attended Clark College in Atlanta, Georgia;

Whereas, Mrs. Roselyn C. Richardson also received a certificate with a major in community organization and group work from the Atlanta School of Social Work;

Whereas, During the time Mrs. Richardson worked for the American Friends Service Committee, she worked covertly with progressive people in Atlanta advocating and planning racial integration, often risking arrest;

Whereas, On September 18, 1938, Roselyn married attorney and former Indiana legislator Henry J. Richardson, Jr. and together they raised two sons, Henry J. III and Rodney C.;

Whereas, While raising her sons, Mrs. Richardson was active in numerous civic, religious, educational, and political organizations including the Phyllis Wheatley Young Women's Christian Association, the Intercollegiate Co-educational Club of the Senate Avenue Young Men's Christian Association, the Flanner Guild, and the Women's Association of the Witherspoon United Presbyterian Church;

Whereas, Henry and Roselyn Richardson were at the forefront of the Indiana school desegregation movement when their older son was denied admission to Indianapolis Public School 43;

Whereas, Henry and Roselyn Richardson's struggle was the beginning of a state-wide movement that led to the passage of the 1949 Indiana school desegregation law;

Whereas, Mrs. Roselyn Richardson was very active in the parent-teacher organizations of her children's schools serving as a board member of the Shortridge High School PTA, organizing and serving as the first chairperson of the Pupil Motivation Committee that was developed to provide role models who would share their careers with students during study halls and free periods, and serving as the director of an experimental program known as the Career Sampling Program; and

Whereas, Throughout her life Mrs. Roselyn Richardson mentored and advised young people about education and personal values and was committed to justice and caring among all people: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its deepest sympathy to the family of Mrs. Roselyn C. Richardson and pays tribute to her for the many contributions she made to the city of Indianapolis and its young people. She will be greatly missed by her family, friends, and community members.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to her sons Henry J. Richardson III and Rodney C. Richardson and her sister Wilhelmina Carter.

The resolution was read in full and adopted by standing vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Concurrent Resolution 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass. Committee Vote: Yeas 6, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Engrossed House Bill 1380, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, delete lines 8 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1380 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1267, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 25 through 41.

Page 3, line 23, reset in roman "has:".

Page 3, line 23, delete "or employers have:".

Page 3, line 25, after "office" insert ".".

Page 3, line 26, delete "or the offices of the employers.".

Page 3, line 35, delete "Notwithstanding section 13.5(b) of this".

Page 3, line 36, delete "chapter, a" and insert "A".

Page 4, delete lines 13 through 27.

Renumber all SECTIONS consecutively.

(Reference is to HB 1267 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1234, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1142, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

Committee Vote: Yeas 6, Nays 5.

HARRISON, Chair

Report adopted.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on February 13, 2006, to render an advisory opinion with regard to the question raised by Senator Delph about his participation in upcoming votes on Engrossed House Bill 1279 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Delph and hereby recommends that Senator Delph be excused from participation in all votes pertaining to Engrossed House Bill 1279, both in committee and on the Senate floor, because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 4-0.

ZAKAS

Report adopted.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1013

Senator Miller called up Engrossed House Bill 1013 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1013-1)

Madam President: I move that Engrossed House Bill 1013 be amended to read as follows:

Page 4, between lines 3 and 4, begin a new paragraph and insert: "SECTION 4. IC 9-29-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.

(b) As used in this section, "pull service charge" refers to the charge that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.

(c) As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) Subject to subsections (e) and (f) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

- (1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.
- (2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.
- (3) Increase or decrease a service charge imposed under subdivision (2).

(e) The bureau's authority to adopt rules under subsection (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

(f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing the numbers set forth in IC 9-18-2-28 for a **motor** vehicle:

- (1) issued a license plate under IC 9-18-17 that designates the **motor** vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war; **or**
- (2) **after December 31, 2006, issued a license plate under IC 9-18-19 that designates the motor vehicle as being owned by a person who has received a Purple Heart decoration.**

(g) The bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1013 as printed February 10, 2006.)

HUME

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1049

Senator M. Young called up Engrossed House Bill 1049 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1103

Senator Steele called up Engrossed House Bill 1103 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1107

Senator Becker called up Engrossed House Bill 1107 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1150

Senator Kruse called up Engrossed House Bill 1150 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1207

Senator Wyss called up Engrossed House Bill 1207 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1207-1)

Madam President: I move that Engrossed House Bill 1207 be amended to read as follows:

Page 2, line 4, delete "more; or" and insert "more, ~~or~~ **but less than seven thousand dollars (\$7,000);**".

Page 3, line 12, delete ";" and insert "**under this chapter or in another jurisdiction for an offense that is substantially similar to another offense described in this chapter;**".

Page 3, line 17, after "intention;" insert "**or**".

Page 3, line 19, after "is" insert "**at least seven thousand dollars (\$7,000), but less than**".

Page 3, line 19, after "(\$10,000)" insert ".".

Page 3, line 19, strike "or".

Page 3, line 20, strike "less;"

Page 3, line 20, delete "or".

Page 3, strike lines 21 through 22.

Page 3, line 23, strike "(\$1,000)".

Page 3, line 38, delete "12(a)(10);" and insert "**12(a)(9);**".

Page 4, line 13, delete "12(a)(10);" and insert "**12(a)(9);**".

(Reference is to EHB 1207 as printed February 10, 2006.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1238

Senator Wyss called up Engrossed House Bill 1238 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1249

Senator Kruse called up Engrossed House Bill 1249 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1280

Senator Ford called up Engrossed House Bill 1280 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1280-2)

Madam President: I move that Engrossed House Bill 1280 be amended to read as follows:

Page 2, line 16, reset in roman "However,".

Page 2, line 16, delete "The" and insert "the".

Page 2, line 20, delete "The offer of" and insert "**An unsolicited advertisement to a person by telephone facsimile machine offering**".

Page 2, line 22, delete "to a person by an" and insert ".".

Page 2, delete line 23.

Page 2, line 31, delete "transmitting" and insert "**using a telephone facsimile machine to transmit**".

Page 2, line 32, delete "facsimile".

Page 4, line 14, delete "'Unsolicited facsimile advertisement' means material" and insert "'**Telephone facsimile machine**' means **equipment that has the capacity to transcribe text or images, or both, from:**

(A) **paper into an electronic signal and to transmit that signal over a regular telephone line; or**

(B) **an electronic signal received over a regular telephone line onto paper.**

(13) **"Unsolicited advertisement" means material advertising the commercial availability or quality of:**

(A) **property;**

(B) **goods; or**

(C) **services;**

that is transmitted to a person without the person's prior express invitation or permission, in writing or otherwise."

Page 4, delete lines 15 through 24.

(Reference is to EHB 1280 as printed February 10, 2006.)

FORD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1353

Senator Bray called up Engrossed House Bill 1353 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1249.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1107.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as second author of Senate Concurrent Resolution 18.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be removed as second sponsor of Engrossed House Bill 1172.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second sponsor and Senator Delph be added as cosponsor of Engrossed House Bill 1172.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be removed as second sponsor of Engrossed House Bill 1080.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second sponsor and Senator Delph be added as cosponsor of Engrossed House Bill 1080.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1150, which is eligible for third reading, be returned to second reading for purposes of amendment.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume and Waterman be added as cosponsors of Engrossed House Bill 1013.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1207.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Dillon be added as cosponsor of Engrossed House Bill 1280.

FORD

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 36 and the

same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 36

House Concurrent Resolution 36, sponsored by Senator Becker:

A CONCURRENT RESOLUTION honoring Wayne F. Henning on the occasion of his retirement.

Whereas, Wayne F. Henning will retire on February 23, 2006, capping a 42 year career with Old National Bank;

Whereas, Wayne F. Henning began his successful banking career with Old National Bank as an adjustor in April, 1964;

Whereas, Mr. Henning rose steadily through various positions in the retail area of the bank until he acquired his current position as Executive Vice President and Regional Chief Operating Officer for the Evansville Region;

Whereas, A life-long resident of Evansville, Mr. Henning graduated from Reitz Memorial High School, received a Bachelor of Science degree from St. Edward's University in 1963, and graduated from the Stonier Graduate School of Banking;

Whereas, Mr. Henning also saw active duty with the U.S. Army and the U.S. Army Reserve;

Whereas, Mr. Henning has been engaged in the legislative and governmental process throughout his banking career, most notably working with the Indiana General Assembly and the Governor to ensure the passage of the 1985 interstate banking statute, which permitted banks in Indiana to establish statewide branching networks and to merge with other banks inside and outside Indiana;

Whereas, While fulfilling his responsibilities with Old National Bank, Mr. Henning has been the epitome of a community and civic leader and an unashamed Evansville booster;

Whereas, Mr. Henning has also contributed his time and talents to many community organizations including the Evansville Freedom Festival, the Evansville Association of Commercial Banks, the Consumer Credit Counseling Services, the Greater Evansville Lenders Association, the Reitz Memorial High School Alumni Association, and the Memorial Athletic Booster Club;

Whereas, Mr. Henning has also served as the Associate General Chairman of the United Way, Financial Chairman of Holy Rosary Church, Vice-Chairman of the Evansville Chamber of Commerce, Chairman of the Southern Indiana Financial Institutions for I-69, and on the boards of the Evansville Association of Retarded Citizens, Roberts Stadium Foundation, Mesker Zoo, and the Evansville Airport Advisory Board;

Whereas, Mr. Henning has been deeply involved in the Evansville business and cultural community most of his adult life, impacting the lives of many of its residents;

Whereas, Mr. Henning has received many awards and recognitions including the Multiple Sclerosis "Hope" Award, the Memorial High School "Distinguished Service" Award, the Beacon Group "Community" Award, the Best of Evansville "Decades of Wisdom" Award, and the Buffalo Trace Council "2004 Distinguished Citizen" Award; and

Whereas, Evansville would not be the city it is today without Mr. Henning's generous service; his leadership, wisdom, and enthusiasm have made him highly honored in the community and the state: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes Wayne F. Henning's outstanding career, his many accomplishments, and his dedication to both the financial services community and the people of Indiana.

SECTION 2. That the Indiana General Assembly offers congratulations and best wishes to Wayne F. Henning on the occasion of his retirement.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Wayne F. Henning.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1207.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 14, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 2:12 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate